

P&E Draft for 10173-073 - Monday, August 4, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Rodriguez et al.

Confirmation No.: 3425

Application No.: 09/924,222

Group Art Unit: 1615

Filed: August 7, 2001

Examiner: Gollamudi S. Kishore

For: LIPOSOMAL COMPOSITIONS AND METHODS
OF USING LIPOSOMAL COMPOSITIONS TO TREAT
DISLIPIDEMIAS

Attorney Docket No.: 10173-073

TERMINAL DISCLAIMERCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The petitioner, Esperion LUV Development, Inc. and University of British Columbia, the assignees of the entire 100% right, title and interest in and to the above-identified application hereby disclaim the terminal part of any patent granted on the above identified application which would extend beyond the expiration date of U.S. Patent Nos. 6,312,719 and 5,746,223 which issued on November 6, 2001 and May 5, 1998 respectively and hereby agrees that any patent so granted on the above identified applications shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,312,719 and 5,746,223.

Petitioner further agrees that this agreement is to run with any patent granted on the above identified application and is to be binding upon the grantee, its successors, and assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent Nos. 6,312,719 and 5,746,223 in the event that said patents later expire for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term, except for the separation of legal title stated above.

Petitioner hereby confirms that he has reviewed the assignment and, to the best of his knowledge and belief, title is in the assignees seeking to take action in this matter and that he is empowered to act on behalf said assignees.

Petitioner hereby declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

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punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

The undersigned is an attorney or agent of record.

Date: August 4, 2003

Anthony M. Insogna
PENNIE & EDMONDS LLP

35,203
(Rcg. No.)

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Express Mail No. _____

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TERMINAL DISCLAIMER TRANSMITTALCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The fee for processing the attached Terminal Disclaimer is believed to be \$110.00. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is attached for accounting purposes.

Respectfully submitted,

Date: August 4, 2003Anthony M. Insogna
PENNIE & EDMONDS LLP35,203
(Reg. No.)

NY2: 1453304.1